40098

1771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Patent
AXEL SCHULTE	:	Group Art Unit: 1771
Serial No.: 09/601,280	:	Examiner:
Filed: July 31, 2000	:	
For: FLOOR CARPET INSTALLING SYSTEM	:	

SUBMISSION OF ENGLISH PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W.
Suite 600
Washington, DC 20036
(202)659-9076

Dated: Jun 13, 2001

RECEIVED
JUN 15 2001
TC 1700 MAIL ROOM

OIPE JC66
JUN 13 2001
PATENT & TRADEMARK OFFICE

PATENT COOPERATION TREATY

PCT
NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

Termin:
Eing. 14. MAI 2001
Patwo

BARTELS UND PARTNER
Lange Strasse 51
D-70174 Stuttgart
ALLEMAGNE

Date of mailing (day/month/year) 24 April 2001 (24.04.01)	
Applicant's or agent's file reference 48rdb/128513/PCT	**IMPORTANT NOTIFICATION**
International application No. PCT/EP98/06930	**International filing date** (day/month/year) 02 November 1998 (02.11.98)
Applicant GOTTLIEB BINDER GMBH & CO. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CA,JP,US

RECEIVED
JUN 15 2001
TC 1700 MAIL ROOM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Ali SOLEIMAN

Telephone No. (41-22) 338.83.38

Translation

Eingang: 14. MAI 2001 Patwo.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

4

Applicant's or agent's file reference 48rdb/128513	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP98/06930	International filing date (*day/month/year*) 02 November 1998 (02.11.98)	Priority date (*day/month/year*) 22 September 1998 (22.09.98)
International Patent Classification (IPC) or national classification and IPC A47G 27/04		
Applicant GOTTLIEB BINDER GMBH & CO.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☒ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
08 July 1999 (08.07.99)	03 March 2000 (03.03.2000)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP98/06930

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

☐ the international application as originally filed.

☒ the description, pages 6,7, as originally filed,
pages _____, filed with the demand,
pages 1-5, filed with the letter of 27 November 1999 (27.11.1999),
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-9, filed with the letter of 27 November 1999 (27.11.1999),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/2,2/2, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____
☒ the claims, Nos. 10
☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP98/06930

II. Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

 ☐ copy of the earlier application whose priority has been claimed.

 ☐ translation of the earlier application whose priority has been claimed.

2. ☒ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 9	**YES**
	Claims		**NO**
Inventive step (IS)	Claims	1 - 9	**YES**
	Claims		**NO**
Industrial applicability (IA)	Claims	1 - 9	**YES**
	Claims		**NO**

2. Citations and explanations

1. Reference is made to the following documents:

D1: FR-A-2 282 999
D2: DE-A-195 32 685.

2.1 D1, which is considered the closest prior art, discloses (cf. page 4, line 4; Claim 4; and Figure 4) a floor carpet laying system with a carpet (16) forming the useful surface with its nap side, a loopless material bonded to the floor surface (page 4, lines 20, 21: "matière textile" or "tapis"), and an anchorage means (Figure 4) which has interlocking elements (12) which project on both sides and interlock on one side with the rear side (15) of the carpet (16) remote from the nap side and formed from a loopless material and on the other side interlock with the material (page 4, line 4). Provided as the anchorage means is an adhesive closure element (Figure 4) whose interlocking elements (12) take the form of stalk-like parts (12). The subject matter of Claim 1 differs from this prior art in that the adhesive closure element (Figure 4) is a micro-adhesive closure element, the stalk-like parts (11) have thickened portions at their ends, and the

interlocking elements (12) on both sides of the adhesive closure element (Figure 4) have different shapes and/or dimensions and/or spacings from one another.

The features in the preamble whereby the material secured to the floor surface and the material forming the rear side (15) of the carpet (16) is a loopless material and the material secured to the floor surface is bonded thereto, are considered to be implicitly disclosed.

Therefore the subject matter of Claim 1 is novel (PCT Article 33(2)).

2.2 Although a micro-adhesive closure element with terminal thickened stalk-like parts has already been used for interlocking with a loopless material in a floor carpet laying system - cf. D2, in particular column 2, line 55 - the prior art in no way suggests forming the interlocking elements (12) on both sides of the adhesive closure element with different shapes and/or dimensions and/or spacings from one another, for example, in order to achieve different adhesion on the one hand between the anchorage means and the material bonded to the floor surface and on the other between the anchorage means and the carpet.

Therefore the floor carpet laying system of Claim 1 involves an inventive step (PCT Article 33(3)).

3. Claims 2 to 9 are dependent on Claim 1 and so likewise meet the PCT novelty and inventive step requirements.